

REMARKS

In the Office Action, the drawings are objected to under 37 CFR 1.84(p)(4). Claims 1-11 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 2, 9-11, 13, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,713,974 to Stone. Claims 3-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 4,713,974 issued to Stone (hereinafter "Stone") in view of United States Patent No. 5,632,895 issued to Tsukagoshi et al. (hereinafter "Tsukagoshi") (together "Cited References"). Applicants respectfully traverse the prior art rejections. Claims 7 and 8 are allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of their respective base claims and any intervening claims.

Applicants respectfully traverse the objection to the drawings. In the Office Action, the Examiner states that, "reference character '568' has been used to designate the vial ejector tab, but reference character '568' does not appear to be pointing at the same part in figures 2 and 3." (See Office Action at p. 2.) Applicants first note that Figs. 2 and 3 show different views of an apparatus according to various embodiments. (See, Specification at p. 5, lns. 13-15, p. 6, lns. 3-5.) Applicants submit that the reference character "568" does, in fact, designate the same part in both drawings. Because Figs. 2 and 3 show different views, however, the shape of the part may appear different in each figure. Applicants respectfully request that the objection to the drawings be withdrawn.

Applicants respectfully traverse the rejection of claims 1-11 under 35 U.S.C. § 112, second paragraph, but amend the claims to expedite

prosecution. In accordance with the Examiner's suggestion, Applicants have herein amended claim 1, and claims 2-11 that depend from claim 1, to recite, in part, "A *sampling module* comprising. . ." Applicants submit that this amendment addresses the Examiner's concerns expressed in the Office Action, and therefore respectfully request that the rejection under 35 U.S.C. § 112 be withdrawn.

Applicants respectfully traverse the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Stone. An anticipation rejection is proper, "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (See MPEP § 2131.) Applicants submit that Stone fails to anticipate claim 1 because it fails to disclose, among other things, "an apparatus comprising . . . a *sealing boot*," as recited in claim 1.

The Examiner states that the "vial stabilizer" of Stone is equivalent to the "sealing boot" recited in claim 1. (See Office Action at p. 3.) Applicants submit, however, that the vial stabilizer of Stone is not equivalent to the "sealing boot" recited in claim 1 because Stone fails to disclose any kind of seal between the "vial stabilizer" and a vial. Further, Applicants submit that the apparatus of Stone, as disclosed, cannot cause a seal between the "vial stabilizer" and a vial. Stone teaches that its, "[v]ial stabilizer 320 has a central aperture allowing it to move freely with respect to both the inner and outer needles." (See Stone at col. 6, lns. 22-27.) Applicants submit that according to the disclosure of Stone, this "central aperture" extends from the vial to the open air and therefore prevents any seal from forming between the "vial stabilizer" and a vial. (See Stone at Fig. 3, Fig. 4.) As such, Applicants submit that the

“vial stabilizer” of Stone is not equivalent to the sealing boot recited in claim 1. Therefore, Applicants submit that claim 1, as well as claims 2 and 9-11, which depend from claim 1, are not anticipated by Stone for the same reasons.

Applicants further submit that claim 13, like claim 1, recites a “sealing boot” and therefore, Stone does not anticipate claim 13 and its dependent claim 14 for the same reasons outlined above with respect to claim 1.

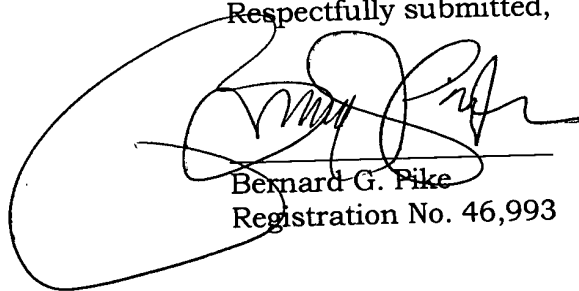
Applicants are not otherwise conceding the correctness of the Office’s rejection with respect to any of the dependent claims discussed above and hereby reserve the right to make additional arguments as may be necessary because the dependent claims include additional features that further distinguish the claims from the Cited References, taken alone or in combination. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

Applicants have also added new claim 15 to more completely claim the present invention.

CONCLUSION

Applicants have made a diligent effort to fully respond to all the concerns and comments of the Examiner. Therefore, Applicants respectfully request that a timely Notice of Allowance be issued in the subject application. If the Examiner has any concerns regarding Applicants' present response, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below so that those concerns may be expeditiously addressed.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Bernard G. Pike', is written over a horizontal line. The signature is enclosed within a large, loopy circular flourish.

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